

**Senate File 2164 - Introduced**

SENATE FILE 2164  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3111)

**A BILL FOR**

1 An Act relating to department of human services' evaluations  
2 of criminal or abuse records of employees of health care  
3 facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, subsection 4, paragraph b, Code  
2 2011, is amended to read as follows:

3 b. A person with a criminal or abuse record who is or  
4 was employed by a facility licensed under this chapter and  
5 is hired by another licensee ~~without a lapse in employment~~  
6 shall be subject to the criminal history and abuse record  
7 checks required pursuant to subsection 1. ~~If~~ However, if an  
8 evaluation was previously performed by the department of human  
9 services concerning the person's criminal or abuse record and  
10 it was determined that the record did not warrant prohibition  
11 of the person's employment and the latest record checks do not  
12 indicate a crime was committed or founded abuse record was  
13 entered subsequent to that evaluation, the person may commence  
14 employment with the other licensee while in accordance with the  
15 department of human services' evaluation ~~of the latest record~~  
16 ~~checks is pending~~ and an exemption from the requirements in  
17 paragraph "a" for reevaluation of the latest record checks  
18 is authorized. Otherwise, the requirements of paragraph "a"  
19 remain applicable to the person's employment. Authorization  
20 of an exemption under this paragraph "b" from requirements for  
21 reevaluation of the latest record checks by the department of  
22 human services is subject to all of the following provisions:

23 (1) The position with the subsequent employer is  
24 substantially the same or has the same job responsibilities as  
25 the position for which the previous evaluation was performed.

26 (2) Any restrictions placed on the person's employment in  
27 the previous evaluation by the department of human services  
28 shall remain applicable in the person's subsequent employment.

29 (3) The person subject to the record checks has maintained a  
30 copy of the previous evaluation and provides the evaluation to  
31 the subsequent employer or the previous employer provides the  
32 previous evaluation from the person's personnel file pursuant  
33 to the person's authorization. If a physical copy of the  
34 previous evaluation is not provided to the subsequent employer,  
35 the record checks shall be reevaluated.



1 record was entered subsequent to that evaluation. In order  
2 for the exemption to be authorized, the bill requires that  
3 the position with the subsequent employer is substantially  
4 the same or has the same job responsibilities as the position  
5 for which the department's evaluation was performed. Also,  
6 any restrictions placed on the person's employment in the  
7 evaluation remain applicable in the subsequent employment.  
8 The person subject to the record checks must either provide  
9 the evaluation to the subsequent employer or authorize the  
10 previous employer to provide it from the person's personnel  
11 file. If a physical copy of the evaluation is not provided to  
12 the subsequent employer, the department must reevaluate the  
13 record checks. Finally, the subsequent employer may choose to  
14 request a reevaluation even though an exemption is authorized  
15 but the person may be employed while the reevaluation is being  
16 performed.